

# Notice of Allowability

## Application No.

09/896,989

## Examiner

Jamal A Fox

## Applicant(s)

GOLDSHTEIN ET AL.

## Art Unit

2664

### -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7/2/2001.
2. ☒ The allowed claim(s) is/are 1-28.
3. ☒ The drawings filed on 02 July 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached  
1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 01/07/2005.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

***Allowable Subject Matter***

1. Claims 1-28 are allowed.
2. The following is an examiner's statement of reasons for allowance: Regarding claims 1-28, the prior art of record fails to teach of optimizing latency delays in VoIP by modifying the Source Routing header of the NEXT header extension within IPv6 to create a new Latency header which works in conjunction with the Hop-to-Hop Options header of the NEXT header within IPv6. The closest reference, Jorgensen (U.S. Patent No. 6,628,629), teaches of an IP telephony system that uses VoIP and supports IPv6 which comprises at least two gateways, but fails to teach of optimizing latency delays in VoIP by modifying the Source Routing header of the NEXT header extension within IPv6 to create a new Latency header which works in conjunction with the Hop-to-Hop Options header of the NEXT header within IPv6.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### **EXAMINER'S AMENDMENT**

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with David G. Oberdick on 1/7/05.

ABSTRACT, line 6, after "destinations.", "In particular," has been deleted.

ABSTRACT, line 6, after "destinations.", "the" has been changed to --The--.

ABSTRACT, line 13, after "destinations.", "The destination database can be updated based upon the information gathered in respect to the current VoIP communication which is being measured and analyzed" has been deleted.

A clean version of the ABSTRACT follows:

### ABSTRACT

A method of optimizing latency delays in VoIP and other multimedia communications using IPv6 over the "public" internet and between two end users that involves selecting an optimum VoIP route based upon periodic trace measurements of the best available VoIP routes at the time of VoIP communications and comparison of that information with historic route information between the same two end user destinations. The method of the present invention employs a dynamic data library which is a modification and addition to the Source Routing header within the NEXT header extension of IPv6 and which works in correlation with the Hop-to-Hop Options header of the NEXT header extension within IPv6. This dynamic data library contains a routing database with contains current best available VoIP route information at the time of the VoIP communication and a destination database which contains historical information concerning best available VoIP routes between particular end user destinations.

***Conclusion***

**4. Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 305-3988, (for formal communications intended for entry)

**Or:**

(703) 305-3988 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121  
Crystal Drive, Arlington, VA. 22202, Sixth Floor (Receptionist).

**5. Any inquiry concerning this communication or earlier communications from the  
examiner should be directed to Jamal A. Fox whose telephone number is (571) 272-  
3143. The examiner can normally be reached on Monday-Friday 6:30 AM - 5:00 PM.**

If attempts to reach the examiner by telephone are unsuccessful, the examiner's  
supervisor, Wellington Chin can be reached on (571) 272-3134. The fax phone  
numbers for the organization where this application or proceeding is assigned are (703)  
872-9306 for regular communications and (703) 872-9315 for After Final  
communications.

Any inquiry of a general nature or relating to the status of this application or  
proceeding should be directed to the receptionist whose telephone number is (703) 306-  
0377.

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A handwritten signature in cursive script, appearing to read 'Jamal A. Fox'.

Jamal A. Fox

A handwritten signature in cursive script, consisting of stylized initials followed by a long horizontal stroke.